

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDDIE D. WILSON,

Plaintiff,

v.

REPUBLIC SERVICES OF SOUTHERN
NEVADA,

Defendant.

* * *

2:10-cv-01156-KJD -VCF

O R D E R

Before the court is *pro se* plaintiff Eddie D. Wilson's Motion To Amend Caption. (#42). Defendant Republic Services of Southern Nevada (hereinafter "Republic") filed an Opposition (#45), and plaintiff filed a Reply (#46). Also before the court is plaintiff Wilson's *Emergency* Motion To Amend Caption. (#49). Defendant Republic filed an Opposition. (#51).

Background/Argument

On September 9, 2010, plaintiff filed his complaint against Republic asserting claims for discrimination and retaliation. (#4). On February 22, 2011, defendant Republic filed a motion to dismiss (#12), which the court granted in part and denied in part on August 1, 2011 (#25). On August 15, 2011, defendant Republic filed its answer. (#27). Plaintiff filed a motion to amend caption on February 17, 2012. (#42). In the motion, plaintiff asks this court to permit him to add Republic Silver State Disposal, Inc. as a defendant. *Id.* In response, defendant Republic asserts that it is the only proper defendant, as Republic Services of Southern Nevada is the entity that previously employed plaintiff. (#45). Defendant Republic also asserts that it "consents to an amendment of the caption to include "Republic Silver State Disposal, Inc., d.b.a. Republic Services of Southern Nevada." *Id.* In plaintiff's reply, he agrees that the caption should be amended as consented to by the defendant. (#46).

On May 3, 2012, plaintiff filed an *emergency* motion to amend caption, asking this court to

1 amend the caption as defendant Republic consented to. (#49). Defendant Republic filed an opposition,
2 asking this court to strike plaintiff's motion (#49) as duplicative of the plaintiff's previously filed
3 motion to amend caption (#42). (#51). On May 22, 2012, the pending motions to amend caption (#42
4 and #49) were referred to the undersigned magistrate judge.

5 **Discussion**

6 As plaintiff Wilson and defendant Republic agree to an amendment of the caption to read "Eddie
7 D. Wilson v. Republic Silver State Disposal, Inc., d.b.a. Republic Services of Southern Nevada," the
8 court finds that amending the caption accordingly is appropriate. The court also finds that striking
9 plaintiff's *emergency* motion to amend (#49) is warranted, as the motion is duplicative of plaintiff's
10 previous motion to amend caption (#42).

11 Accordingly, and for good cause shown,

12 IT IS ORDERED that *pro se* plaintiff Eddie D. Wilson's Motion To Amend Caption (#42) is
13 GRANTED in part and DENIED in part, as discussed above.

14 IT IS THEREFORE ORDERED that the clerk shall amend the caption in this action to read as
15 follows: "EDDIE D. WILSON v. REPUBLIC SILVER STATE DISPOSAL, INC., d.b.a. REPUBLIC
16 SERVICES OF SOUTHERN NEVADA"

17 IT IS FURTHER ORDERED that defendant Republic's Request To Strike Plaintiff's *Emergency*
18 Motion To Amend (#51) is GRANTED.

19 IT IS THEREFORE ORDERED that plaintiff Wilson's *Emergency* Motion To Amend Caption
20 (#49) is hereby STRICKEN.

21 DATED this 30th day of May, 2012.



22
23 **CAM FERENBACH**
24 **UNITED STATES MAGISTRATE JUDGE**